

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANDERSON NEWS, L.L.C. and LLOYD WHITAKER,  
as the Assignee under an Assignment for the Benefit of  
Creditors for Anderson Services, L.L.C.,

Plaintiffs,

v.

AMERICAN MEDIA, INC., BAUER PUBLISHING  
CO., L.P., CURTIS CIRCULATION COMPANY,  
DISTRIBUTION SERVICES, INC., HACHETTE  
FILIPACCHI MEDIA U.S., INC., HEARST  
COMMUNICATIONS, INC., HUDSON NEWS  
DISTRIBUTORS LLC, KABLE DISTRIBUTION  
SERVICES, INC., RODALE, INC., TIME INC., and  
TIME/WARNER RETAIL SALES & MARKETING,  
INC.,

Defendants.

No. 09 Civ. 2227 (PAC)

**ORAL ARGUMENT  
REQUESTED**

**DEFENDANT CURTIS CIRCULATION COMPANY'S NOTICE OF MOTION FOR  
SUMMARY JUDGMENT AGAINST PLAINTIFF ANDERSON NEWS, L.L.C.**

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that upon (1) the Memorandum of Law in Support of Defendant Curtis Circulation Company's Motion for Summary Judgment Against Plaintiff Anderson News L.L.C., (2) the Supplemental Statement of Uncontested Facts Pursuant to Rule 56.1 by Defendant Curtis Circulation Company, (3) the Declaration of Jennings F. Durand and exhibits attached thereto, (4) the grounds and arguments in support of the motion for summary judgment filed by Time Inc., Time/Warner Retail Sales & Marketing, Inc., and Hearst Communications, Inc. (as successor-in-interest to defendant Hachette Filipacchi Media U.S., Inc.), (5) the grounds and arguments in support of the motion for summary judgment filed by American Media, Inc. and Distribution Services, Inc., and (6) such other evidence and argument as the Court may consider, Defendant Curtis Circulation Company ("Curtis"), by and through its undersigned attorneys, will move before the Honorable Paul A. Crotty, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 14C, New York, New York, for an order:

1. granting Curtis' Motion for Summary Judgment;
2. dismissing Plaintiff Anderson News L.L.C.'s claim under 15 U.S.C. § 1; and
3. dismissing Plaintiff Anderson News L.L.C.'s claims under New York State Law.

PLEASE TAKE FURTHER NOTICE that pursuant to the Sixth Stipulation and Order to Extend Civil Case Management Plan and Scheduling Order, Plaintiffs' answering papers are to be served no later than March 9, 2015, and Defendants' reply papers are to be served no later than April 17, 2015.

Dated: December 19, 2014

DECHERT LLP

By: /s/ Jennings F. Durand

George G. Gordon (*pro hac vice*)

Jennings F. Durand (*pro hac vice*)

Cira Centre

2929 Arch Street

Philadelphia, PA 19104-2808

215.994.4000

george.gordon@dechert.com

jennings.durand@dechert.com

*Attorneys for Defendant*

*Curtis Circulation Company*

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the foregoing to be served on all counsel of record, this 19th day of December 2014, by email (by agreement of all parties in accordance with Rule 5(b)(2)(F) of the Federal Rules of Civil Procedure), to the following counsel at the indicated email addresses:

KASOWITZ, BENSON, TORRES & FRIEDMAN, LLP  
1633 Broadway  
New York, NY 10019

Marc E. Kasowitz, Esq. (MEKcourtnotices@kasowitz.com)  
Daniel R. Benson, Esq. (dbenson@kasowitz.com)  
Hector Torres, Esq. (HTorres@kasowitz.com)  
Constantine Z. Pamphilis, Esq. (dpamphilis@kasowitz.com)  
Seth B. Davis, Esq. (sdavis@kasowitz.com)  
Christine A. Montenegro, Esq. (cmontenegro@kasowitz.com)  
Seth A. Moskowitz, Esq. (smoskowitz@kasowitz.com)  
Gavin Douglas Schryver, Esq. (gschryver@kasowitz.com)  
Kevin Allen Cyrulnik, Esq. (kcyrulnik@kasowitz.com)

LYNCH ROWIN LLP  
30 Vesey Street, 8th Floor  
New York, New York 10007-4202

Thomas Lynch, Esq. (tlynch@lynchrowin.com)  
Jennifer Chavez, Esq. (jchavez@lynchrowin.com)

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.  
Sumner Square  
1615 M Street, N.W., Suite 400  
Washington, DC 20036

Michael K. Kellogg, Esq. (mkellogg@khhte.com)  
Steven F. Benz, Esq. (sbenz@khhte.com)  
William J Rinner, Esq. (wrinner@khhte.com)

/s/ Jennings F. Durand  
Jennings F. Durand